

## **REMARKS**

Claims 1, 14, 15, 81 and 82 have been amended. Claims 1-26, 81 and 82 remain in the application. Claims 27-80 have been withdrawn. No new matter has been added and the amendments are supported by the specification. The Applicants have noted the examiner's Section 101, 112 and 103 rejections and respectfully request reconsideration and withdrawal of said rejections in view of the enclosed claim amendments and the discussion below.

### **Rejections Based on 35 U.S.C. §101**

Claims 1, 15 and 81 have been amended to eliminate the basis for the examiner's rejection, and the Applicants therefore request withdrawal of the rejections based on 35 U.S.C. §101. The Applicant's respectfully submit that it is not reasonable to interpret the claims as encompassing a human being.

### **Claims Objections**

Claim 82 has been amended to replace the upper case "O" in "obtaining" with a lower case "o."

### **Claim Rejections Based on 35 U.S.C. §112 Second Paragraph**

Claims 1-26 and 81-82 have been amended to address the examiner's 35 U.S.C. §112, second paragraph rejections. Claims 1, 14, 15, 81 and 82 have been amended to include means for comparing, namely, a software application for comparing the specified website's products/services with products/services of other websites for purposes of identifying comparable websites to include in the referential directory generated by the invention in response to a user's query in the form of a telephone number corresponding to the specified website. The addition of the comparing element also addresses the

examiner's lack of antecedent basis rejection. With regard to the examiner's rejection of claims 1, 14, 15, 81 and 82 for lack of antecedent basis for the limitation "said additional websites," the claims have been revised to include antecedent basis for "additional websites." As such, the Applicants request that the Section 112, second paragraph rejections be withdrawn. Claims 81 and 82, in view of the foregoing, and with no other rejections having been issued with respect to such claims, are in condition for allowance and the Applicants respectfully request allowance of said claims.

### **Section 103 Rejections**

The Applicants note the examiner's rejection of Claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over Pant et al (U.S. Patent 6,012,053) and respectfully request reconsideration and withdrawal of said rejections in light of the following discussion and foregoing amendments.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. **103** is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. MPEP Section 2141.

The factual inquiries enunciated therein as a background for determining obviousness are as follows:

1. determining the scope and contents of the prior art;
2. ascertaining the differences between the prior art and the claims of the invention at issue;
3. resolving the level of ordinary skill and the pertinent art; and
4. evaluating evidence of secondary considerations.

The results of each of these inquiries are weighed as a whole in making a factual determination of obviousness. Objective evidence of secondary considerations such as unexpected results, commercial success, long-felt need, failure of others, copying by others, licensing, and skepticism of experts are relevant to the issue of obviousness and must be considered in every case in which they are present. Secondary considerations may include evidence of commercial success, long-felt but unsolved needs, failure of others, and unexpected results. “The evidence may be included in the specification as filed, accompany the application on filing, or be provided in a timely manner at some other point during the prosecution. The weight to be given any objective evidence is made on a case-by-case basis. The mere fact that an applicant has presented evidence does not mean that the evidence is dispositive of the issue of obviousness. The question of obviousness must be resolved on the basis of these factual determinations. While each case is different and must be decided on its own facts, the *Graham* factors, including secondary considerations when present, are the controlling inquiries in any obviousness analysis. The *Graham* factors were reaffirmed and relied upon by the Supreme Court in its consideration and determination of obviousness in the fact situation presented in *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1391 (2007).” MPEP Section 2141.

With regard to the examiner’s rejection of Claims 1, 7, 14, 15, 16, and 22, the examiner relies on U.S. Patent No. 6,012,053 to Pant as disclosing every feature of the Applicants’ claims except use of telephone numbers as search queries and then states that it is old and well known in the art to use telephone numbers as search queries. The Applicants submit that neither is true.

The Applicants believe that this is impermissible hindsight and submit that providing a cross-referencing system for providing access to websites corresponding to phone numbers using phone numbers as the search query was not old and well known as of the Applicants' invention date, which is at least the Applicants' priority date, over 7 years ago. The Applicants respectfully submit that even at present it is not old or well known. Enclosed as Composite Exhibit A is evidence that even at present it is not old or well known to use telephone numbers as search queries, or that it is currently old and well known to have telephone number and domain name cross-referencing, or that it is currently old and well known to provide a system whereby a user can enter a telephone number as a search query and obtain as search results a referential directory listing the telephone number and the domain name for the website corresponding to the specified telephone number, and also including additional websites that are comparable alternatives to the specified website based on comparison of gathered and stored data pertaining to the products or services offered by the websites and application of customizable criteria. The evidence consists of Internet searches on search engines for telephone number/domain name cross referencing listings and sites as well as searches using telephone numbers as search queries on major search engines Google.com and MSN.com and the search results, which fail to disclose any site where a telephone number can be entered as a search query and a referential directory will be rendered as search results listing the telephone number and domain name for the website corresponding to the telephone number used as a search query, and additional websites that are comparable alternatives to the specified website based on a comparison of gathered and stored data regarding the products or services

offered by the specified website and other websites and application of customizable criteria. Such evidence also indicates a long-felt and unsolved need to provide such a system. Searches were conducted on Yahoo.com as well but the Yahoo.com search results do not print. Despite such searching, no service was found that cross-references telephone numbers and domain names or that provides, in response to a single telephone number query, a referential directory listing the website corresponding to the phone number as well as the telephone number and website address for comparable websites, much less one that accomplishes this by comparing data regarding the products or services offered by websites and applies customizable criteria.

The specific elements of the Applicant's claims cannot simply be ignored, and nowhere does Pant disclose any comparison of data regarding products or services provided by websites, or including software applications for correlating telephone numbers to domain names, much less doing both and also applying customizable criteria to render a directory. Pant relies on word searching in documents and other online content, which is not useful for telephone number queries.

Additionally, the examples given by the examiner with respect to the very few websites that refer to their business phone numbers in their website addresses are not relevant and do not teach any cross referencing of website addresses and telephone numbers. In those specific situations the telephone number is also the business name and also the website address and there is no cross-referencing of telephone numbers and website addresses, but rather, just simple cross-referencing of business name and website address as with the typical search engine. The Pant system would not work if the

telephone number is not also the business name and the domain name address as in the couple of examples provided by the examiner (e.g. 1800flowers.com). Two examples that are distinguishable does not prove using telephone numbers as search queries was old and well known as of when the Applicant's invention was made.

Pant nowhere discloses any gathering and storing data comprising Internet domain names and telephone numbers corresponding to said websites' proprietors, or software applications for correlating Internet domain name data with telephone number data corresponding to the websites, and the Applicants respectfully submit that it was not old and well known in the art at the time the invention was made either. As the examiner notes, Pant does not disclose use of telephone numbers as search queries. Pant involves word searches and the relevance factors used in Pant would not function if the search queries are only telephone numbers or domain name addresses.

The additional features of applying customizable criteria and rendering a referential directory of comparable websites, based on a single query consisting of a telephone number for one business with respect to which the user wants to access the corresponding website are further elements that are neither disclosed in Pant or were old or well known in the art at the time the Applicants' invention was made. Pant does not gather and store data pertaining to products or services offered by websites or cross-reference telephone numbers and domain names, and use both plus customizable criteria to render a referential directory of selected sites that are comparable alternatives to each other. Instead, Pant teaches application of a scoring system to rank search results for word queries using relevance factors that would not work for telephone number queries,

and the Pant search results are generated not based on comparison of stored data regarding the products or services offered by each website, but rather on the scores from applying the Pant relevance factors. Pant teaches providing search engine users with a way to order their search results by various relevance factors specified in columns 6-10 of Pant.

Pant teaches relevance factors based on:

- frequency of occurrence of search terms,
- position of search terms in document,
- number of search terms found in document,
- ordering of search terms within documents,
- distance between search items in document, and
- length of search terms based on stemming.

None of the relevance factors disclosed would apply to or work if the query is a telephone number and the desired search result is the corresponding website and a referential directory of comparable websites. They all relate to words as search terms. The Applicant's invention does not perform substantially the same function substantially the same way to achieve substantially the same result as Pant. The Applicants respectfully submit that the scope and content of the prior art at the time that the Applicant's invention was made does not include the Applicant's invention as claimed in claims 1, 7, 14, 15, 16, and 22 as amended, when each claim is taken as a whole. As such the Applicants submit that the invention as claimed in such claims is not unpatentable under 35 U.S.C. Section 103. Furthermore, given that the Applicant's

independent claims 1, 14 and 15 are not obvious, the Applicant's dependent claims 2-5, 8-13, 17-21 and 23-26 are not obvious either.

The Applicants respectfully submit that the invention as a whole does not constitute an obvious use or processing of "nonfunctional descriptive subject matter." On the contrary, entering an address for a business via one tele-communication means (i.e., telephone number) and be able to obtain the website corresponding to said business, via cross-referencing of telephone numbers and website domain name addresses is functional, as is providing a referential directory with the website address and phone number of not only the website corresponding to the telephone number entered by the user, but also additional websites that are comparable alternatives based on customizable criteria, all from a simple phone number query. In *Pant* there is no database of telephone numbers and website address data or software applications correlating all such telephone numbers with corresponding address data, or software applications that compare the product/service data of a website corresponding to a phone number query and the product/service data of other websites and further apply customizable criteria to render a directory showing the phone number and website address for not only the website corresponding to the one telephone number queried, but also for the selected sites, which are comparable alternatives to the specified website.

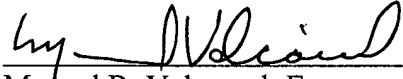
The Applicants respectfully submit that the application and claims, as amended, are in condition for allowance. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.



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Respectfully submitted,

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